

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:06-HC-2205-BR

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	MOTION TO EXTEND
	)	DISCOVERY PERIOD UNTIL
	)	JANUARY 11, 2012
THOMAS MATHERLY,	)	
Respondent	)	

THOMAS MATHERLY, the Respondent in the above-captioned case, by and through his counsel, and with the consent of the Petitioner, by and through the Assistant United States Attorneys, respectfully requests an extension of the discovery period until January 11, 2012. In support of his motion, Mr. Matherly shows the following:

1. Pursuant to the August 4, 2010 Standing Order, the period of open discovery will run from October 31, 2011 through December 30, 2011.
2. Dr. Fabian Saleh, the Respondent-selected court examiner, submitted his report to the Court on November 10, 2011 pursuant to the Court's November 4, 2011 Order. [DE 98.]
3. The parties were unable to coordinate a deposition date for Dr. Saleh sooner than January 11, 2012. Pending the resolution of this motion, the parties have scheduled his deposition for January 11, 2012.
3. Because Dr. Saleh's deposition would have to be held outside the discovery period, and as a result of the parties' December scheduling

difficulties, the parties have scheduled Mr. Matherly's deposition for January 10, 2012 pending the resolution of this motion.

4. The Court continued Respondent's hearing in this matter until further notice. [DE 90.] A new hearing date has not yet been announced. Respondent agrees this extension is in his interests.
5. Counsel for Respondent has conferred with AUSA Norman Acker, lead counsel for the government, and he does not oppose the requested extension.

For the foregoing reasons, Respondent respectfully requests that the Court grant the motion and extend the discovery period until January 11, 2012.

This 16<sup>th</sup> day of December 2011.

THOMAS C. McNAMARA  
FEDERAL PUBLIC DEFENDER

/s/ Debra Carroll Graves  
Attorney for the Respondent  
Assistant Federal Public Defender  
North Carolina State Bar #: 13513  
E-mail: [debra\\_graves@fd.org](mailto:debra_graves@fd.org)

/s/ Katherine E. Shea  
Attorney for the Respondent  
Assistant Federal Public Defender  
Member of the New York State Bar  
E-mail: [kat\\_shea@fd.org](mailto:kat_shea@fd.org)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following through CM/ECF addressed below:

G. Norman Acker, III  
R.A. Renfer, Jr.  
Tobin W. Lathan  
Assistant United States Attorney  
United States Courthouse  
[norman.acker@usdoj.gov](mailto:norman.acker@usdoj.gov)  
[Rudy.renfer@usdoj.gov](mailto:Rudy.renfer@usdoj.gov)  
[toby.lathan@usdoj.gov](mailto:toby.lathan@usdoj.gov)  
310 New Bern Ave., Suite 800  
Raleigh, North Carolina 27611

Michael D. Bredenberg  
[mbredenberg@bop.gov](mailto:mbredenberg@bop.gov)  
Federal Medical Center  
P.O. Box 1600  
Butner, NC 27509

This 16<sup>th</sup> day of December, 2011.

THOMAS C. McNAMARA  
FEDERAL PUBLIC DEFENDER

/s/ Katherine E. Shea  
Attorney for the Respondent  
Thomas Matherly  
150 Fayetteville St., Ste. 450  
Raleigh, North Carolina 27601  
Telephone: (919) 856-4236  
Member of the New York State Bar  
E-mail: [kat\\_shea@fd.org](mailto:kat_shea@fd.org)